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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CALVARY CHAPEL SAN JOSE, a California
Non-Profit Corporation; **PASTOR MIKE
MCCLURE**, an individual; **SOUTHRIDGE
BAPTIST CHURCH OF SAN JOSE
CALIFORNIA dba SOUTHRIDGE CHURCH**,
a California Non-Profit Corporation; **PASTOR
MICAIAH IRMLER**, an individual;

Plaintiffs,

vs.

GAVIN NEWSOM, in his official capacity as the
Governor of California; **TOMAS ARAGON,
M.D.**, in his official capacity as the Acting
California Public Health Officer; **SANTA CLARA
COUNTY**; **SARA H. CODY, M.D.**, in her official
capacity as Santa Clara County Public Health
Officer; **MIKE WASSERMAN**, in his official
capacity as a Santa Clara County Supervisor;
CINDY CHAVEZ, in her official capacity as a
Santa Clara County Supervisor; **DAVE
CORTESE**, in his official capacity as a Santa
Clara County Supervisor; **SUSAN ELLENBERG**,
in her official capacity as a Santa Clara County
Supervisor; and **JOE SIMITIAN**, in his official
capacity as a Santa Clara County Supervisor;

Defendants.

Case No.: 20-cv-03794-BLF

**DECLARATION OF MARIAH GONDEIRO
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CHANGE TIME**

Current Date:

Date: January 26, 2023

Time: 11:00 a.m.

Courtroom: 3

Judge: Hon. Beth Labson Freeman

1 I, Mariah Gondeiro, declare as follows;

2 1. I am an attorney duly licensed in the State of California and represent the interests of
3 Plaintiffs.

4 2. Calvary Chapel San Jose and Pastor Mike McClure (collectively, “Calvary”) are
5 defendants in the parallel state court case, *The People of the State of California, et al v. Calvary Chapel*
6 *San Jose, et al*, No. 20-cv-372285 (“State Action”), filed in Santa Clara County Superior Court.

7 3. In the State Action, Santa Clara County (the “County”) filed a lawsuit against Calvary
8 on October 27, 2020 for injunctive relief. The County sought to enjoin Calvary’s church gatherings.
9 The County later amended the complaint to collect nearly \$3 million in fines against Calvary.

10 4. The parties have finalized factual discovery in this case. A hearing on Calvary’s Partial
11 Motion for Summary Judgment is set for January 26, 2023.

12 5. The County filed its own motion for summary adjudication in the State Action to collect
13 fines from Calvary. A hearing date is set for January 17, 2023. The County claims there is no triable
14 issue as to the amount of the fines and that it is entitled to collect \$1,327,750 from Calvary for not
15 submitting a social distancing protocol, \$2,234,000 for violations of the face-covering mandate, and
16 \$356,175 for late fees.

17 6. The Plaintiffs have not finalized factual discovery in the State Action, and the court has
18 not set a trial date. Calvary seeks to depose County enforcement officers.

19 7. The County, by way of its motion for summary adjudication, seeks to enforce an
20 enforceable judgment to collect fines against Calvary. Calvary argues there is a triable issue as to the
21 amount of the fines. Thus, there is a strong possibility the State Action will require trial.

22 8. Calvary seeks to advance the hearing date on its motion for summary judgment to
23 conserve legal and judicial resources. A ruling by this Court regarding the constitutionality of the fines
24 will render the amount of the fines irrelevant. If this Court finds the underlying public health orders
25 were unconstitutional, the County will be entitled to zero dollars.

26 9. Furthermore, this Court is best suited to decide the constitutionality of the fines and
27 underlying public health orders. The Santa Clara County Superior Court has defied the U.S. Supreme

1 Court numerous times. The superior court recently received a rebuke by the Sixth Appellate District of
2 California.

3 10. On Monday, December 5, 2022, I reached out to Robin Wall, counsel for the County,
4 via email, informing him Calvary would seek to advance the hearing date on its motion for summary
5 judgment. The following day, Mr. Wall informed me, via email, the County would not stipulate to an
6 advanced hearing date.

7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct. Executed on December 9, 2022 at Murrieta, California.

9
10 /s/ Mariah R. Gondeiro

11 Mariah R. Gondeiro
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